

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

ALLEN BRICE,

Plaintiff,

v.

CIVIL ACTION NO. 2:21-cv-6-TBM-RPM

DISMAS CHARITIES PROPERTIES, INC.,
DISMAS CHARITIES, INC., AND DISMAS
EMPLOYEES "A" & "B",

Defendant.

NOTICE OF REMOVAL

COME NOW, Defendants, Dismas Charities Properties, Inc. and Dismas Charities, Inc. ("Defendants"), and hereby give notice of removal of this action from the Circuit Court of Forrest County, Mississippi, to the United States District Court for the Southern District of Mississippi, Eastern Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 and states as follows:

1. On December 17, 2020, Plaintiff filed a Complaint styled *Allen Brice v. Dismas Charities Properties, Inc., Dismas Charities, Inc., and Dismas Employees "A" & "B"* in the Circuit Court of Forrest County, Mississippi.
2. Plaintiff is a citizen of the state of Mississippi.
3. Defendants are Kentucky corporations with their principal place of business located at 2500 7th Street Road, Louisville, Kentucky.
4. The citizenship of John Doe Defendants is disregarded for purposes of removal. 28 U.S.C. § 1441(a).

5. A Notice of Removal must be filed "within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based . . ." 28 U.S.C. §1446(b)(1). The removal requirements of 28 U.S.C. § 1446(b)(1) are timely satisfied.

6. The Plaintiff's alleged damages exceed the jurisdictional minimum of \$75,000. Specifically, the Plaintiff claims past and future medical expenses; past and future lost wages; past and future physical pain and suffering, including loss of enjoyment of life; permanent scarring and disfigurement; and past and future emotional distress.

7. Plaintiff's alleged medical expenses exceed \$20,000, and Plaintiff's most recent demand was \$170,668.55. *See Exhibit "A."*

8. Based upon the Plaintiff's allegations of damages, the amount in controversy exceeds the jurisdictional requirement of \$75,000. Therefore, this Court has original jurisdiction over the matter and Defendant may remove the state claim to this Court pursuant to 28 U.S.C. §1441.

9. Pursuant to 28 U.S.C. §1446(a), Defendants attach as Exhibit "B," a copy of all process, pleadings and orders which have been filed in the Circuit Court of Forrest County, Mississippi.

10. Venue of this removed action is proper pursuant to 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division wherein the removed action is pending: the Circuit Court of Forrest County, Mississippi.

11. Contemporaneous with the filing of this Notice of Removal, a copy of this Notice is being filed with the Clerk of the Circuit Court of Forrest County, Mississippi, and is being served upon all counsel of record.

12. By filing this Notice of Removal, Defendants do not waive any defenses which may be available to them in state court.

WHEREFORE, PREMISES CONSIDERED, Defendants, Dismas Charities Properties, Inc. and Dismas Charities, Inc., pray that the Court will receive this Notice of Removal, place it upon the docket of this Court, and that the Circuit Court of Forrest County, Mississippi will proceed no further with this action.

Respectfully submitted this, the 25th day of January 2021.

DISMAS CHARITIES PROPERTIES,
INC., DISMAS CHARITIES, INC.

By: /s/ Robert P. Thompson
ROBERT P. THOMPSON

OF COUNSEL:

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Attorneys for Dismas Charities Properties, Inc.
And Dismas Charities, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the following counsel of record via electrical mail and/or United States mail, postage prepaid:

Brigg H. Austin, Esquire
Morris Bart
1712 15th Street, Suite 300
Gulfport, Mississippi

This the 25th day of January 2021.

/s/ *Robert P. Thompson*
ROBERT P. THOMPSON